

Supplemental Testimony of: **Adam J. Morman** on behalf of **Walton Maryland**

To: **Charles County Planning Commission & Charles County Board of Commissioners**

Regarding: **Watershed Conservation District ZTA 16-142 & ZMA 16-54**

February 13, 2017

RE: Port Tobacco River Creek Valley – IS NOT DESIGNATED A “MAJOR STREAM VALLEY”

As shown on the 2016 Comprehensive Land Use Plan (and many other County Maps), the Port Tobacco Creek in the area of the 1,160 acres and more specifically Walton’s 136 acre property which surrounds a future elementary school on three sides, DOES NOT contain any “Major Stream Valleys”. This is depicted with the Dark Blue areas on the map adjacent to the Resource Protection Areas (RPA’s), depicted on this map as Dark Green and named “Protected Lands”. Further, this portion of the Port Tobacco River is only designated as a “Creek” of lower designation than the lower Port Tobacco River.

There are already “Protected Lands” regulated by Charles County, which is the RPA. Inclusion of the 1,160 acres into the Watershed Conservation District (WCD) is **unjust** and **unwarranted**! There are numerous County, State & Federal regulations protecting important environmental features.

There is simply no nexus to the addition of this area into the WCD solely for being in the “headwaters of the port tobacco”. There is no scientific study provided by Charles County or any supporters of the WCD that the Port Tobacco Creek is impaired (or will be impaired) to the point that no growth should occur in this 1,160 acre area of Charles County located within ½ to 1 mile of the Route 301 Urban Core. Also there are no studies stating the existing Maryland stormwater regulations, which requires a Net Zero impact from the existing land use, would not adequately protect the land. If anything, the density in this area should be higher than some existing areas of the development district and encourage clustering in order to promote opportunities of **True Smart Growth and Environmentally Sensitive** community design that can provide a wide variety of housing types and uses and better housing affordability, while permanently preserving openspace and encouraging healthy lifestyles within Charles County. In addition, water quality from upstream locations could be captured and improved as it enters the new community and its water treatment systems.

In addition, using Charles County’s own Interactive GIS Map, the Port Tobacco Creek continues in an eastern and then northern route just west of Crain Highway (Rt. 301). The Port Tobacco Creek is not recognized by Charles County as turning north through the majority of the 1,160 acres of land. There is no Major Stream Valley or major tributary feeding into the Port Tobacco Creek.

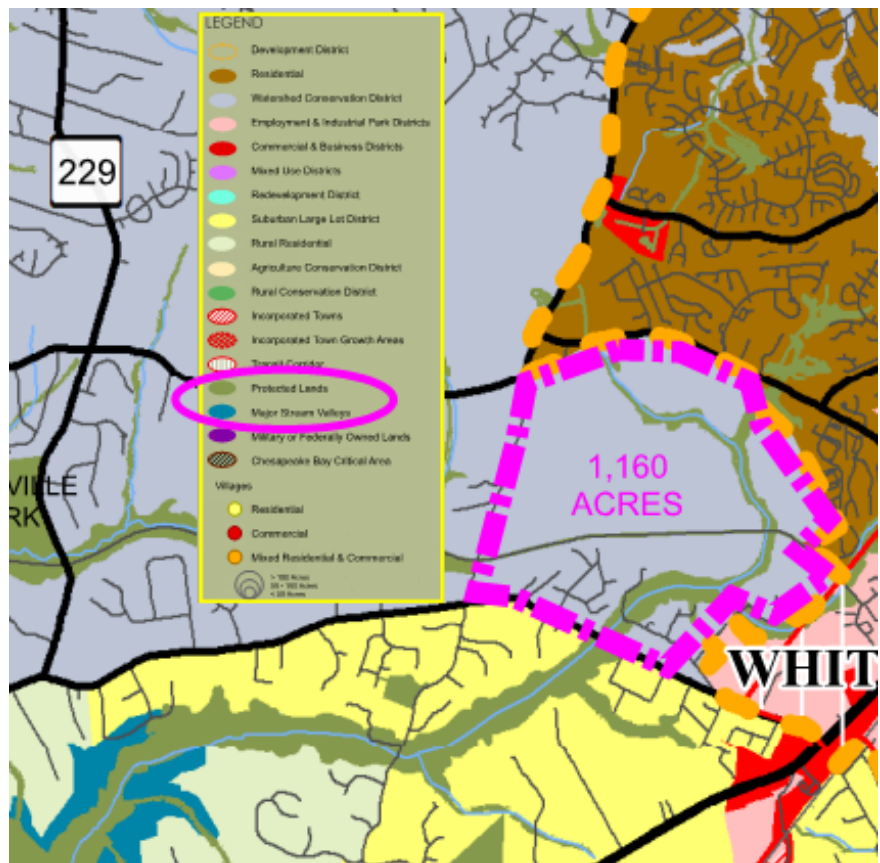


Figure 1 - Image taken from the approved 2016 Comprehensive Plan

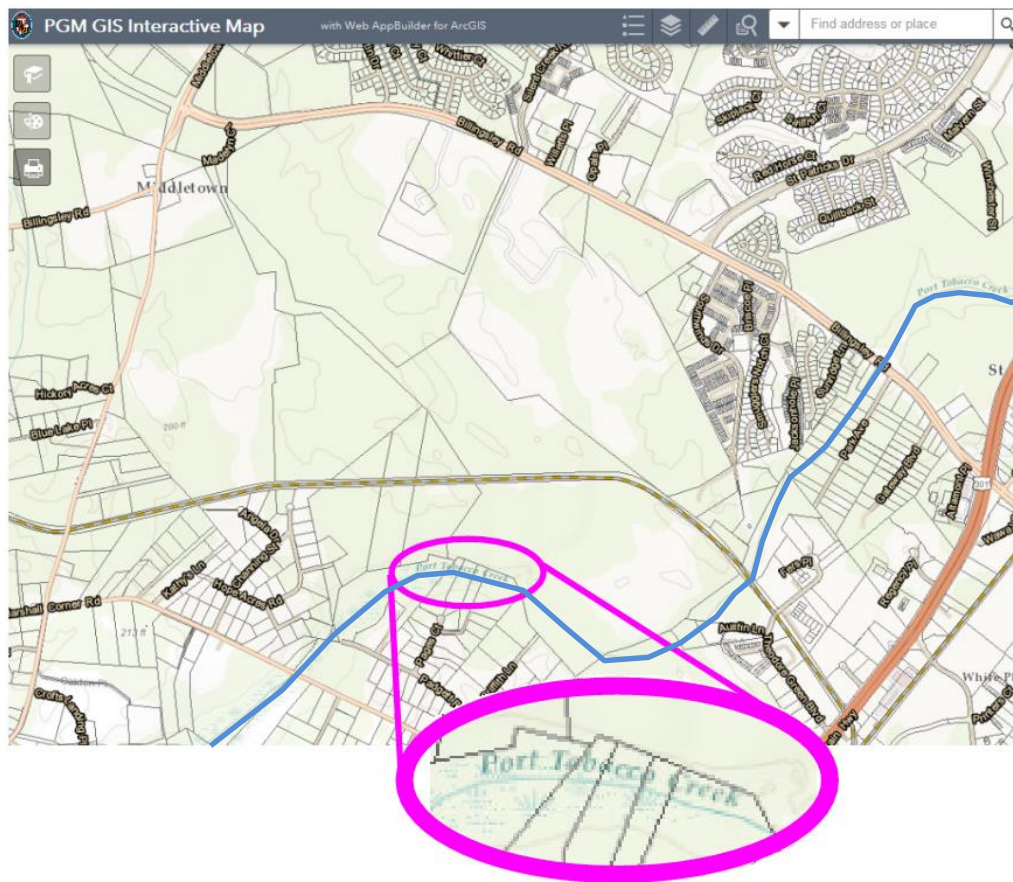


Figure 2 - Image from Charles County PGM GIS Interactive Map

Walton Requests of this Planning Commission

- a. **REPEAL and REPLACE the 2016 adopted Comprehensive Plan with the 2015 Draft Comprehensive Plan proposed by County Planning Staff, prior to February 8, 2016.**
- b. **Require a Financial Impact Analysis of the 2016 Comprehensive Plan to be performed prior to recommendation of Text & Map Amendments to the Board of Commissioners.**
- c. **Remove the 1,160 Acres from the Watershed Conservation District and change the land designation to RM-PRD Residential Zoning**
- d. **Reinstate the Priority Funding Area Designation to the 1,160 acres**
- e. **Reinstate the Tier 2 Map Status to the 1,160 acres**
- f. **Designate the 1,160 acres as a TDR receiving area for Smart Growth**
- g. **Remove “Headwaters of the Port Tobacco” from the description of the Watershed Conservation District.**
- h. **If the Residential Zoning is not adjusted as part of the WCD Text/Map Amendments, the opportunity should remain to allow for an Optional Method of Development when properties are Zoned WCD that abuts or adjoins an existing or proposed public school site, provided that it satisfies certain requirements should be supplemented in the Zoning Ordinance [Optional Method of Development is utilized by many jurisdictions when special circumstances exist which allows for Smart Growth to occur]**